

REMARKS

Applicant has carefully considered the rejections made in the Office Action mailed June 19, 2008 (the "Office Action"). Claim 1 has been amended. Claims 1-9 are pending in this application and stand rejected. Applicant respectfully submits that in view of the amendments made, and the remarks that follow, the application is in condition for allowance. Applicant earnestly solicits the Examiner for a Notice of Allowance.

I. Claims 1-9

Applicant respectfully traverses the Office Action's rejection of claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Myer. Unlike the claimed invention, Myer fails to disclose at least "a manual first action," "a manual following action," and "the emission of the information signal from the element . . . [being] triggered only by the manual first action being exerted by the installer on the element."

Rather, Myer teaches a system in which, upon power up, each node is in an unlinked state and continuously broadcasts a message. As explained in Myer,

[U]pon power up, each network device, or node, starts in an unlinked state in which the node does not send or respond to application messages and in which the node broadcasts a version message every two seconds, for example using a first type of network management message.

(Myer, col. 6, ll. 56-61).

Conversely, the subject application states that "in contradistinction to the known process of the prior art, the emission of the signal is not effected right from the toggling of the elements into the learning mode." (Cheron, par. [0022]). Rather, one of the advantages ~~other of~~ the subject invention is to provide "a process making it possible to avoid unnecessary usage of energy to signal the membership or non-membership of the elements in a group and to avoid engendering the emission of nuisance signals." (Cheron, par. [0018]).

Furthermore, in Myer, the configuration proceeding that permits communication between the node and the master controller is automatic. As explained in Myer,

Once a node has been designated with a unique subnet and node address, the master controller sends a management message, referred to as a "link state" message, to the node. This type of message puts the designated node in a normal

link state, thereby terminating the transmission of version messages by the network node that occur when the node is in the unlinked state The node also begins sending and responding to application messages at this point.

(Myer, col. 7, ll. 10-26).

Moreover, in Myer, the configuration proceeding that facilitates the master controller's control over the node is also automatic. As explained in Myer, "the attachment process is started by selecting a device that is known to the master for attaching using a personal computer linked to the master." (Myer, col. 7, ll. 44-47).

For at least these reasons, Myer is quite different and unlike the claimed invention and does not anticipate any of claims 1-9. Therefore, applicant respectfully requests allowance of these claims.

II. Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and respectfully requests allowance of the application. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution hereof, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, such as a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

HUSCH BLACKWELL SANDERS
WELSH & KATZ

Dated: September 19, 2008

By /erik b. flom/
Erik B. Flom, Reg. No. 41,021
Amy L. Hammer; Reg. No. 61,048

Customer No. 24628